

## Chapter 5

# Consultation and Coordination



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## **CHAPTER 5 CONSULTATION AND COORDINATION**

### **5.1 Introduction**

This chapter describes specific actions taken by the BLM WRFO to consult and coordinate with Native American tribes, government agencies, and interest groups, and to involve the interested general public during preparation of this Draft RMPA/EIS for Oil and Gas Development. Figure 5-1 presents the BLM NEPA process and the opportunities for public and agency participation throughout the process.

A Notice of Intent published in the Federal Register on June 14, 2006, formally announced the intent of the BLM WRFO to amend the 1997 White River Record RMP, as amended, and prepare the associated EIS. Publication of the NOI initiated the scoping process and invited participation of affected and interested agencies, organizations, and the public in helping the BLM determine the scope and issues to be addressed in the Draft RMPA/EIS.

### **5.2 Specific Actions Taken in Consultation and Coordination**

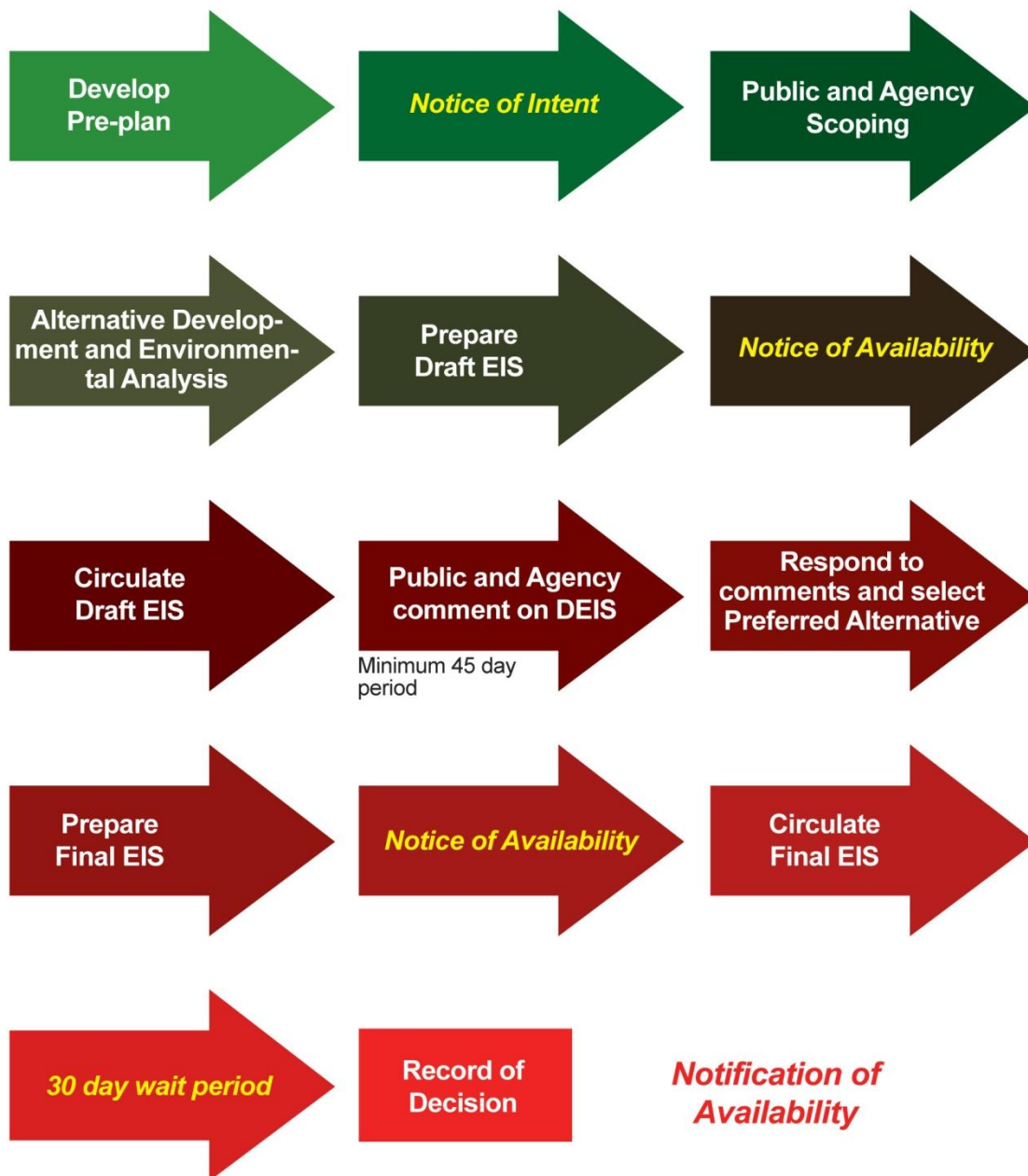
This section summarizes the specific actions taken by BLM throughout this process to consult and coordinate with local, state, federal, and tribal agencies under NEPA. The Federal Land Policy and Management Act of 1976 (43 United States Code [USC] 1712) directs BLM to coordinate planning efforts with Native American tribes, other federal agencies, and agencies of the state and local governments as part of its land use planning process. BLM is directed to integrate NEPA requirements with other environmental review and consultation requirements to reduce paperwork and delays (40 CFR 1500.4-5). For the Draft RMPA/EIS, BLM accomplished coordination with other agencies and consistency with other plans through ongoing communications including: meetings, emails, phone calls, and other collaborative efforts with BLM specialists and federal, state, and local agencies.

#### **5.2.1 Native American Tribes**

Consultation with Native American tribes is part of the NEPA scoping process and a requirement of FLPMA and Section VI, Native American Participation found in the Colorado State Protocol (1998). The BLM contacted the Native American tribes listed below in November 2006 inviting them to be a part of the planning process through consultation and scoping meetings, as well as requesting information to be considered in the planning process.

- Ute Indian Tribe of the Uintah and Ouray Reservation
- Eastern Shoshone Tribe of the Wind River Reservation
- Southern Ute Indian Tribe
- Ute Mountain Ute Tribe

Figure 5-1. The EIS Process



Source: Based on Figure 9.1 in BLM Handbook H-1790-1, National Environmental Policy Act Handbook, January 2008

To date, none of these Native American tribes have contacted WRFO regarding this project. The BLM mailed a letter on September 9, 2008 to each of the four Native American tribes listed above providing a copy of the WRFO Oil and Gas RMPA/EIS Final Class I Overview of Cultural Resources Report (report dated July 2008). Follow up phone calls and emails were made in 2009.

The WRFO Field Manager will contact the appropriate tribal representative from the Native American tribes prior to the release of the Draft RMPA/EIS and offer to do formal face-to-face consultation including presentations to their tribal councils.

## **5.2.2 Government Agencies**

The BLM formally invited state and local agencies and other federal resource management agencies to partner as cooperating agencies and to participate in the development of alternatives. The initial meeting with cooperating agencies occurred February 8, 2007. As of January 2012, the following agencies have accepted formal cooperating agency status:

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- U.S. Environmental Protection Agency, Region 8
- U.S. Forest Service, White River National Forest
- U.S. Park Service, Intermountain Region
- State of Colorado
  - Colorado Department of Natural Resources
    - Colorado Parks and Wildlife
    - Colorado Oil and Gas Conservation Commission
    - Colorado Natural Areas Program
  - Colorado Department of Public Health and Environment
    - Air Pollution Control Division
    - Water Quality Control Division
  - Colorado Department of Local Affairs
  - History Colorado (State Historic Preservation Office)
- Moffat County
- Rio Blanco County
- Garfield County
- Town of Meeker
- Town of Rangely

Other federal, state, and local agencies have actively participated with BLM in the RMPA planning effort and may request cooperating agency status in the future. These agency participants include the U.S. Geological Survey.

Cooperating agencies and other agency partners provided input during the initial scoping process on issues of special expertise or legal jurisdiction. In addition, cooperating agencies participated in a

series of alternatives development workshops, reviewed draft information and documents, and periodically met with BLM management and staff throughout the RMPA/EIS process to discuss planning issues and provide input to the process.

During the alternatives development workshops, the BLM introduced themes for preliminary alternatives that addressed the issues and planning challenges identified through the BLM's preplanning and public scoping, as well as the preliminary concepts for management scenarios for each of the preliminary alternatives. The workshops allowed BLM to consult with the cooperating agencies in developing the preliminary alternative themes, draft management goals and objectives, and overall management approach characteristics in each of the preliminary alternatives for key resources and resource uses. Throughout the process, the BLM and cooperating agencies identified and discussed other alternatives (i.e., management options) that were considered possible management approaches to resolving resource management issues and conflicts. Table 5-1 lists these meetings and workshops.

**Table 5-1. Meetings with Cooperating Agencies and Other Agency Partners**

Date	Location	Type of Meeting
February 8, 2007	WRFO, Meeker, CO	Cooperating Agency Meeting
May 1, 2007	WRFO, Meeker, CO	Cooperating Agency Meeting
November 2, 2007	WRFO, Meeker, CO	Cooperating Agency Alternatives Development Work Session
January 22, 2008	WRFO, Meeker, CO	Cooperating Agency Alternatives Development Work Session
April 15, 2009	WRFO, Meeker, CO	NWRAC Subcommittee Meeting Final Draft Alternatives and Impacts Approach and Protocol
May 7, 2009	WRFO, Meeker, CO	Cooperating Agency Meeting Final Draft Alternatives and Impacts Approach and Protocol

NOTE:

NWRAC = Northwest Resource Advisory Council

#### **5.2.2.1 Endangered Species Act, Section 7 Compliance**

Section 7 of the Endangered Species Act directs all federal agencies to use their existing authorities to conserve Threatened and Endangered species and, in consultation with FWS, to ensure that their actions do not jeopardize the continued existence of listed or proposed species or destroy or adversely modify critical habitat. The FWS is a Cooperating Agency for this planning effort and has provided input to the BLM throughout the planning process, including input on Endangered, Threatened, Proposed, and Candidate species, and designated critical habitat in the WRFO that should be evaluated in the Draft RMPA/EIS. The WRFO will continue consultation with the FWS and submit a Biological Assessment based on the Proposed RMPA/Final EIS.

#### **5.2.2.2 National Historic Preservation Act, Section 106 Compliance**

As part of the Draft RMPA/EIS, the BLM has worked closely with History Colorado and the State Historic Preservation Office (SHPO) as required by Section IV of the Colorado State Protocol (1998). This section requires the BLM to provide the SHPO the opportunity to participate at the development stage and all subsequent phases of land use planning in accordance with 43 CFR



1610.3 (Coordination with Other Federal Agencies , State and Local Governments, and Indian Tribes). Also, the BLM has worked closely with the History Colorado, Office of Archaeology and Historic Preservation (CHS-OAHP) to reconcile survey and site records information in the CHS-OAHP database of previous surveys and known cultural resources (sites and isolated finds) with those records on file at the WRFO in Meeker, Colorado. This effort has resulted in the preparation of a Class I Overview of Cultural Resources Report (BLM 2008g) provided to the BLM with sufficient information to manage cultural (prehistoric and historic) resources within the WRFO Planning Area. The WRFO will coordinate directly with the SHPO through the RMPA/EIS process. Other Interested Stakeholders

The Northwest Resource Advisory Council was invited to participate in the initial scoping and planning process. The NWRAC is an advisory group chartered under the Federal Advisory Committee Act (FACA), which advises BLM regarding the preparation, amendment, and implementation of land use plans for public lands and resources within a jurisdictional area. The BLM invited the NWRAC to attend a meeting on April 15, 2009 to present the Final Draft Alternatives and Impacts Approach and Protocol.

The Colorado Environmental Coalition (CEC) in coordination with The Wilderness Society BLM Action Center provided comments to WRFO regarding scoping, progress, and specific issues related to this WRFO RMPA/EIS. The CEC was formed in 1965 and is an organization that educates and mobilizes citizens, and provides technical and organizing assistance to environmental organizations and other allies. The Wilderness Society was established in 1935 and is a community-based environmental protection organization assembled to protect wilderness and inspire Americans to care for wild places.

### **5.3 Public Involvement**

The BLM's decision-making process is conducted in accordance with the requirements of the CEQ regulations implementing NEPA, and the U.S. Department of the Interior and BLM policies and procedures implementing NEPA. The NEPA and the associated regulatory and policy framework require federal agencies to involve the interested public in their decision making.

The CEQ scoping guidance defines scoping as the “process by which lead agencies solicit input from the public and interested agencies on the nature and extent of issues and impacts to be addressed and the methods by which they will be evaluated” (CEQ 1981). In accordance with CEQ scoping guidance, BLM provided opportunities for public involvement as an integral part of amending the 1997 White River RMP and preparing the EIS. A Scoping Report (BLM 2007) was prepared and summarizes issues identified during the scoping process. This and other project-related documents, as well as general project information, can be found on the WRFO RMPA/EIS website at:

[http://www.blm.gov/co/st/en/BLM\\_Programs/land\\_use\\_planning/rmp/white\\_river/documents.html](http://www.blm.gov/co/st/en/BLM_Programs/land_use_planning/rmp/white_river/documents.html).

The intent of the scoping process is to provide an opportunity for the public, Native American tribes, other government agencies, and interest groups to participate in the planning process and to identify planning issues to be addressed by alternatives or analyzed in the EIS. In general, public involvement assists the agencies through the following:

- Broadening the information base for decision making.
- Informing the public about the RMPA/EIS and the potential impacts associated with various management decisions, and

- Ensuring that public needs and viewpoints are brought to the attention of the agency.

### **5.3.1 Scoping**

Publication of the NOI in the Federal Register on June 14, 2006 announced BLM's intention to amend the 1997 White River RMP (BLM 1997a) and prepare an EIS. Formal agency and public scoping for the Draft RMPA/EIS took place from June 14, 2006 to September 30, 2006. BLM resource management regulations require a 30-day scoping period; however, the Draft RMPA/EIS scoping period was extended to 75 days based on written requests from the public.

The BLM used the public scoping process to solicit comments that help identify planning issues and direct the formulation of alternatives and to frame the scope of analysis in the Draft RMPA/EIS. The scoping process was also used to introduce the public to preliminary planning criteria, which set limits to the scope of the Draft RMPA/EIS. The BLM received a total of 69 unique categories of comments during the scoping period. The Scoping Report (BLM 2007) issued for the project provides a general summary of the issues included in the written comments.

#### **5.3.1.1 Scoping Notice**

The BLM issued a press release with notice of the public scoping comment period on July 24, 2006 and a public notification of the scoping meetings on August 22, 2006. The notices were posted to the BLM WRFO RMPA/EIS website. In addition notices solicited written comments on the Draft RMPA/EIS planning process, issues, and perceived impacts. The notices also provided information on how to become involved in the project, and invited the public to a series of three public scoping meetings held throughout the WRFO Planning Area (described in Section 5.3.1.2).

#### **5.3.1.2 Scoping Meetings**

Public scoping meetings were held on September 12, 13, and 14, 2006 in Meeker, Rangely, and Rifle, Colorado, respectively. The BLM organized the meetings in an open house format, with a formal presentation made by the WRFO Field Manager. Resource specialists and other representatives of BLM were available to address questions and provide information to meeting participants. The BLM provided a newsletter, maps of the WRFO Planning Area, and comment forms at each scoping meeting. The BLM encouraged attendees to provide written comments using a variety of media, as described below.

#### **5.3.1.3 Opportunities to Comment**

The BLM provided a variety of opportunities through which the public could comment during the scoping period, as listed below.

*Mail / Email / Fax.* The NOI and the scoping notice invited interested parties to submit written comments by mail, email, or fax to the WRFO Project Manager. The WRFO RMPA/EIS website provides an overview of the project, a project schedule and process, a document library, and information on how to become involved.

*Scoping Meetings.* The BLM provided the public the opportunity to comment at all three public meetings. Comment methods included comment forms that could be filled out and submitted at the meetings or mailed in to the WRFO at a later date and flip charts for expressing written comments and concerns to share with BLM and with other members of the public.

### **5.3.2 Project Mailing List**

The project mailing list for public scoping was initially developed from the WRFO mailing list, but has been updated continually throughout the planning process. The BLM encouraged scoping meeting participants to add their names to the mailing list. Some individuals added their contact information to the project mailing list by registering on the WRFO RMPA/EIS website, as well as through personally contacting BLM. Currently, the WRFO project mailing list includes more than 350 contacts.

### **5.3.3 Project Bulletins**

Periodic planning bulletins were developed and distributed to keep the public informed of the WRFO RMPA/EIS planning progress. A September 2006 planning bulletin was issued and provided basic background information on the project, including the Purpose and Need for the RMPA/EIS and issues that the RMPA/EIS would address. The planning bulletin also extended an invitation to the public to be involved in the process, advertised the WRFO RMPA/EIS website, and solicited public scoping comments.

A second project bulletin (November 2007) provided a summary of scoping and an analysis of the management situation, described the development of the alternatives, announced the release of the Reasonable Foreseeable Development Scenario (BLM 2007) and offered opportunities for public involvement.

A third project bulletin was prepared and provided to cooperating agencies, Federal Agency Partners, and the NWRAC in April 2009 to update the agencies on the status of the project.

### **5.3.4 Website**

The WRFO RMPA/EIS website serves as a virtual repository for documents related to the development of the RMPA/EIS, including announcements, bulletins, and documents. These documents are available in Adobe portable document format (PDF) to ensure that they are available to a wide range of interested parties. The WRFO RMPA/EIS website gives the public the opportunity to submit their comments for consideration as part of the planning process. The WRFO RMPA/EIS website is compliant with the Americans with Disabilities Act (ADA) and offers the public an opportunity to be added to the project mailing list. The website is: <http://www.blm.gov/co/st/en/fo/wrfo.html>.

### **5.3.5 Future Public Involvement**

Public participation will continue throughout the remainder of the planning process. Members of the public will have the opportunity to comment on the content of the Draft RMPA/EIS during the 90-day public comment period. The Final RMPA/EIS will contain and respond to substantive comments received on the Draft RMPA/EIS during the public comment period. The BLM is not required to respond to non-substantive comments or comments that are received after the close of the comment period. During the public comment period, BLM will host formal public hearings on the Draft RMPA/EIS to provide a forum for the introduction of the Draft RMPA/EIS and to solicit comments.

## **5.4 Notification and Distribution of Draft RMPA/EIS**

The public, interested stakeholders, and agencies are notified of the availability of the Draft RMPA/EIS through publishing the Notice of Availability in the Federal Register, media, mailings, and other avenues. Publishing of the NOA initiates a 90-day public review and comment period. A copy of the Draft RMPA/EIS will be provided to the following:

### **Tribal Governments**

- Ute Indian Tribe of the Uintah and Ouray Reservation
- Eastern Shoshone Tribe of the Wind River Reservation
- Southern Ute Indian Tribe
- Ute Mountain Ute Tribe

### **Local Governments (Counties, Cities, Towns)**

- Garfield County, Colorado
- Moffat County, Colorado
- Rio Blanco County, Colorado
- Town of Meeker, Colorado
- Town of Rangely, Colorado

### **Colorado State Agencies, Boards, and Commissions**

- Department of Natural Resources
  - Colorado Parks and Wildlife
  - Oil and Gas Conservation Commission
- Department of Local Affairs
- Department of Public Health and the Environment
  - Air Pollution Control Division
  - Water Quality Control Division
- State Historic Preservation Officer

### **U.S. Department of the Interior**

- Bureau of Indian Affairs
- Bureau of Land Management
- National Park Service
- Office of Environmental Policy and Compliance
- Office of Surface Mining
- U.S. Fish and Wildlife Service
- U.S. Geological Survey

### **Other Federal Agencies**

- U.S. Environmental Protection Agency, Region VIII
- U.S. Department of Agriculture, Forest Service, White River National Forest
- U.S. Army Corps of Engineers

This Draft RMPA/EIS will be available at the following repositories for public review during the public comment period:

#### **Public Repositories**

- BLM Colorado State Office Library, Lakewood
- BLM WRFO (Meeker) Public Room
- BLM Kremmling Field Office Public Room
- BLM Little Snake Field Office (Craig) Public Room
- BLM Colorado River Valley Field Office (Silt) Public Room
- BLM Grand Junction Field Office and NW District Office Public Room (both co-located at the same Grand Junction office)
- Meeker Public Library (Rio Blanco County, Meeker Regional Library District)
- Rangely Public Library (Rio Blanco County, Rangely Regional Library District)
- Rifle Branch Library (Garfield County Library District)
- Craig Public Library (Moffat County)

A notification will be distributed to the entities on the WRFO project mailing list announcing the release of the Draft RMPA/EIS, public comment period, and information regarding the public hearings. In addition, public notice will be provided to the local congressional delegation, and provided to local and statewide media contacts, as listed below. The public notification will also be posted to the WRFO RMPA/EIS website.

#### **Congressional Delegation**

- U.S. Senator Mark Udall  
Washington, D.C. and Colorado offices
- U.S. Senator Michael Bennet  
Washington, D.C. and Colorado offices
- U.S. Representative Scott Tipton  
Washington, D.C. and Colorado offices

#### **Media**

##### **Local Media**

- Rio Blanco Herald Times (Colorado)
- Rifle Citizen Telegram (Colorado)
- Grand Junction Free Press (Colorado)
- Glenwood Post-Independent (Colorado)
- Grand Junction Daily Sentinel (Colorado)
- Craig Daily Press (Colorado)
- Vernal Express (Utah)

##### **Statewide Media**

- Denver Post (Colorado)

##### **Wire Services**

- Associated Press (Colorado)

### 5.4.1 Proposed RMPA/Final EIS and Record of Decision

Comments received on the Draft RMPA/EIS will be evaluated and modifications to the document would be made as needed. A second NOA will be published in the Federal Register to notify the public of the availability of the Proposed RMPA/Final EIS, and a copy of the document will be filed with the EPA. The publication of the second NOA initiates a 60-day Governor's consistency review to identify inconsistencies with state or local plans and a 30-day protest period under 43 CFR 1610.5-2. The State Director of the BLM may sign and implement that portion of the plan not under protest. Once protests have been resolved and the Governor's consistency review has been completed, the State Director can approve the RMPA by signing a Record of Decision (ROD). The RMPA would be continually monitored and evaluated until it is replaced or modified by another plan.

### 5.5 List of Preparers

This section presents the names and qualifications of the people responsible for preparing this Draft RMPA/EIS.

**Table 5-2. List of Preparers<sup>(1)</sup>**

Name	Discipline/ Background	Qualifications and Experience	Area of Participation
<b>Bureau of Land Management</b>			
Richard Brooks	Geospatial Science	M.S. 3 years	GIS Specialist
Stacey Burke	Realty Specialist	B.S. 5 years	Lands; Realty; Right-of-Way
Paul Daggett	Mining Engineer	B.S. 20 years	Geology and Minerals
Carol Dawson	Botanist	Ph.D. 23 years	Threatened, Endangered and Sensitive Plant Species; ACEC
Carol Hollowed	Hydrologist/Planning and Environmental Coordinator/GIS	B.S. 32 years	BLM Project Manager
Ed Hollowed	Wildlife Biologist	B.S. 34 years	Wildlife; Threatened, Endangered, Sensitive Animal Species; Migratory Birds; Greater Sage-Grouse; Areas of Critical Environmental Concern (ACECs)
Melissa Hovey	Air Resources Specialist	M.S. 15 years	Air Resources
Melissa Kindall	Range Technician	A.A.S. 19 years	Wild Horses
Bob Lange	Hydrologist	B.S. 13 years	Soil Resources; Hydrology; Surface and Groundwater; Air
Jim Michels	Supervisory Natural Resource Specialist (Fire Management)	20 years	Forestry; Fuels; Fire Management
Zoe Miller	Ecologist	M.S. 2 year	Threatened, Endangered and Sensitive Plant Species; ACEC

**Table 5-2. List of Preparers<sup>(1)</sup>**

<b>Name</b>	<b>Discipline/ Background</b>	<b>Qualifications and Experience</b>	<b>Area of Participation</b>
Heather Sauls	Planning and Environmental Coordinator	M.S. 5 years	Assistant Project Manager
Chad Schneckenburger	Outdoor Recreation Planner	M.S. 8 years	Recreation, Wilderness, Transportation and Access
Michael Selle	Archaeologist	B.A. 34 years	Cultural Resources; Paleontological Resources; Tribal Interests; ACEC
Mary Taylor	Rangeland Management Specialist	B.S. 8 years	Range; Riparian; Vegetation; Weeds
<b>URS Team</b>			
Rachel Badger	Environmental Planning, NEPA Compliance	B.A. 15 years	Project Technical Lead; Impacts Analysis Introduction & Cumulative Impacts Introduction
Susan Bassett	Chemical Engineering, Environmental Compliance, Air Quality	B.S. 20 years	Air Resources; Climate Change
Suzy Cavanagh	Geologist, NEPA Compliance	M.S. 15 years	Energy and Minerals; Geology
Brian Colson	GIS Analyst	B.S. 5 years	GIS Specialist
Jeff Dawson	Ecology, Botany	M.S. 30 years	Fish and Wildlife; Special Status Species Plants and Animals
Rob DeBaca	Biology, Natural Resource Management	Ph.D. 22 years	Wildland Fire Management; Wild Horse Management; Livestock Grazing; Vegetation; Noxious Weed Invasive Species; Riparian/Wetlands
Allison Getty	Natural Resource Management and Environmental Planning	M.A. 3 years	Recreation; Comprehensive Trails & Travel Management; Wild Horse Management
Jody Glennon	Administrative Record, Databases, Public Involvement, and Coordination	B.S. 8 years	Administrative Record; Public Involvement; Livestock Grazing
Susan Hall	Ecology, Botany	B.S. 7 years	Fish and Wildlife; Special Status Species Plants and Animals
Doug Jeavons (Consultant)	Socioeconomics	M.A. 22 years	Socioeconomics; Environmental Justice
Lloyd Levy (Consultant)	Socioeconomics	MBA 20 years	Socioeconomics; Environmental Justice
Pam McWharter	NEPA Planning and Environmental Permitting	B.S. 23 years	Document Coordination; Public Safety and Hazardous Materials; Lands and Realty; Visual Resources

**Table 5-2. List of Preparers<sup>(1)</sup>**

<b>Name</b>	<b>Discipline/ Background</b>	<b>Qualifications and Experience</b>	<b>Area of Participation</b>
Matt Spansky	Hydrogeology	M.S. 8 years	Assistant Project Management; Impacts Analysis; Water Resources; Soils
Rebecca Thompson	Wildlife Biologist/Ecologist, NEPA Planner for resource management	M.S. 14 years	Forestry; Woodland and Native Plant Products; Vegetation; Noxious and Invasive Species; Riparian and Wetlands
Gordon Tucker	Archaeology	Ph.D. 36 years	Cultural Resources; Paleontological Resources; Tribal Interests
Brian Vickers	Project/ Program Management, Hydrogeology	M.S., MBA 24 years	Project Management
Leslie Watson	Zoology	B.S. 15 years	Impacts Analysis; Cumulative Impacts; Wilderness Characteristics; Special Designation Areas
Jen Wennerlund	Geographic Information Systems (GIS) Analyst	B.S. 19 years	Geographic Information Systems (GIS)

NOTE:

<sup>(1)</sup> Only preparers at the time of draft publication are listed in this table. A complete list of contributors is available upon request.